

LAW
Briant, J.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DAVID E. McCLAIN,

Plaintiff,

-against-

THE UNION CENTRAL LIFE INSURANCE
COMPANY,

Defendant.

X

Index No. 07-cv-5947 (GAY)

STIPULATION OF DISCONTINUANCE

& Order

X

IT IS HEREBY STIPULATED, ORDERED and AGREED that plaintiff hereby voluntarily and without prejudice to recommence discontinues and dismisses the above entitled action, and this action is hereby dismissed and discontinued without prejudice to plaintiff to commence another action arising out of the same facts and circumstances of this action against the above named defendant in state court.

No parties are responsible for costs of this action as against the other.

Dated: Goshen, New York
October 3, 2007

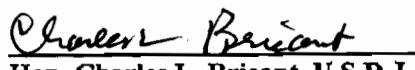
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SO ORDERED:


Hon. Charles L. Brieant, U.S.D.J.

dated October 5, 2007